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4ACCESS COMMUNICATIONS COMPANY

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**VIA FAX**

VAL POPESCU, an individual;

Plaintiff,

vs.

4ACCESS COMMUNICATIONS  
COMPANY, a Delaware corporation, and  
DOES 1 through 10, inclusive,

Defendants.

Case No. **'08 CV 525 H LSP**

**DECLARATION OF JOSEPH E. HEERY  
IN SUPPORT OF NOTICE OF REMOVAL**

*REMOVED FROM:*

San Diego Superior Court  
Case No. 37-2008-00075299-CU-WT-CTL

**DECLARATION OF JOSEPH E. HEERY**

I, Joseph E. Heery, declare as follows:

1. I am the chief financial officer of 4Access Communications Company ("4Access"). I have held this position since March 2002. I have first-hand, personal knowledge of the facts stated herein and, if called to testify, could and would competently testify to those facts.

2. 4Access is a corporation organized in the laws of the State of Delaware. I am the person employed by 4Access responsible for making sure that 4Access's annual reports are filed with the Secretary of State of Delaware.

3. The executive and administrative functions of 4Access are primarily performed from 4Access's corporate headquarters located at One North LaSalle Street, Suite 2015, Chicago, Illinois 60602. Specifically, 4Access's chief executive officer, Steven D. Davis, maintains his office at 4Access's corporate headquarters in Chicago, Illinois. I also maintain my office at 4Access's corporate headquarters. The administration of corporate financial, payroll, sales, and employee benefit services occurs at 4Access's corporate headquarters. The only activity which occurs or has occurred in California relate to the design of hardware for 4Access's products.

4. On or about February 25, 2008, I received a copy of the Summons and Complaint for a matter titled *Val Popescu v. 4Access Communications Company, a Delaware corporation; and Does 1 through 10, inclusive*. I received those documents from Corporation Service Company ("CSC"), 4Access's agent for service of process. Along with the Summons and Complaint, CSC provided a form which indicated that 4Access was served with those documents on February 21, 2008. A true and correct copy of that form is attached hereto as Exhibit 1.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on March 19, 2008 at Chicago, Illinois.

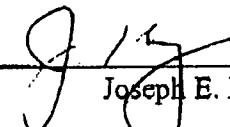
  
\_\_\_\_\_  
Joseph E. Heery

EXHIBIT 1



CORPORATION SERVICE COMPANY

**Notice of Service of Process****TYS / ALL**  
**Transmittal Number: 5614892**  
**Date Processed: 02/22/2008**

**Primary Contact:** Mr. Joe Heery  
4access Communications Company  
1 North LaSalle Street  
Suite 2015  
Chicago, IL 60602

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<b>Entity:</b>	4access Communications Company Entity ID Number 2075977
<b>Entity Served:</b>	4Access Communications Co.
<b>Title of Action:</b>	Val Popescu vs. 4Access Communications Company
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Contract
<b>Court:</b>	San Diego Superior Court, California
<b>Case Number:</b>	37-2008-00075299-CU-WT-CTL
<b>Jurisdiction Served:</b>	California
<b>Date Served on CSC:</b>	02/21/2008
<b>Answer or Appearance Due:</b>	30 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Plaintiff's Attorney:</b>	Gregory P. Goonan 619-702-4335

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC  
CSC is SAS70 Type II certified for its Litigation Management System.  
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